

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Shonn R. McCain,)	C/A No. 0:12-2168-JFA-PJG
)	
Plaintiff,)	
v.)	ORDER
)	
Warden Drew; Food Adm. W. Kinnion;)	
CO Stremczuc, Food Service Supervisor,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Shonn R. McCain, brings this action for damages under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671 through 2680. He contends that the defendants' negligence caused plaintiff to suffer a serious arm burn while he was working in the food service department at the Federal Correctional Institution in Bennettsville, South Carolina, where he is incarcerated.

The Magistrate Judge assigned to this action¹ has prepared a thorough Report and Recommendation and opines that the plaintiff has still not exhausted his administrative remedies under the FTCA as previously explained by the court in an earlier action.² The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

² The plaintiff brought suit in this court in July 2011 concerning the same accident and injury. The undersigned dismissed the action without prejudice because the plaintiff had not exhausted his administrative remedies as required by the FTCA. See *McCain v. Drew*, C/A No. 0:11-1737-JFA-PJG (D.S.C.)

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on August 27, 2012. However, the plaintiff has failed to file any objections and the time limit to do so has expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

September 18, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge